RELIGIOUS ACCOMMODATION

09/12/16

OVERVIEW

- ***Definition***
- ***Regulations and laws***
- ***Elements of discrimination***
- ***Religious practices***
- ***Prevention of religious discrimination***
- ***Processing complaints***

RELIGIOUS DISCRIMINATION

Any action, intended or unintended,

that unlawfully or unjustly results in unequal treatment of persons or groups based on religion and which distinctions are not supported by legal or rational considerations.

DOD POLICY ON FREEDOM OF RELIGIOUS PRACTICES

- *Laws and regulations*
  - *Title VII of the civil rights act of 1964*
  - *DOD directive 1300.17*
  - *AR 600-20*

TITLE VII

Title VII of the civil rights act of 1964 prohibits employment discrimination based on religion.

FEDERAL COURTS, RELIGION AND THE MILITARY

The Federal courts have maintained

that commanders and military

regulations can have greater

authority than individual rights and

conscience when the military

mission is involved.

FEDERAL COURTS, RELIGION AND THE MILITARY

- Parker v. Levy (1974)
- United States v. Seeger (1965)
- Anderson v. Laird (1972)
- Goldman v. Weinberger (1986)

DOD DIRECTIVE 1300.17

- Places a high value on the rights of service members to observe the tenets of their respective religion
- Policy is that commanders should accommodate religious practices when accommodation will not have an adverse
impact on mission readiness, safety, unit cohesion or discipline

ARMY REGULATION 600-20

It is the Army's policy to approve requests for accommodation of religious practices when, they will not have an adverse impact on discipline, or otherwise interfere with the performance of the soldier's military duty.

However, accommodation of a soldier's religious practices cannot be guaranteed at all times.

ELEMENTS OF RELIGIOUS DISCRIMINATION

- *Religious jokes*
- *Religious slurs*
- *Compulsory services*
- *Exclusionary prayer*
- *Not making arrangements to provide alternate services*
- *Discounting the religious beliefs of others*
- *Avoidance*
- *Stereotyping*
- *Lack of concern*

Religious practices that can conflict with military duties.

RITUALS

- *The ritual is one of the oldest, most complex, and persistent symbolic activities associated with religion and can take two forms:*
- *Designated days*
- *Prayer style*

DRESS AND APPEARANCE

Religious symbols are often a

part of religious rituals.

Two types:

- *Visible*
- *Invisible*

DIET ISSUES

- *IMPACT ON UNIT*

MEDICAL ISSUES

Religious tradition may include the belief in healing through faith or prohibition of foreign substances into the body. This can conflict with overseas movement and deployment status.

WHEN RELIGIOUS DISCRIMINATION OCCURS

- ***Impacts on unit mission***
- ***Impacts on individual***

STRATEGIES FOR REDUCING OR PREVENTING RELIGIOUS DISCRIMINATION

- ***Ensure awareness***
- ***Inform the chain of command***
- ***Suggest a compromise***
- ***Help chain of command understand***
- ***Stress the importance of faith***

COMPLAINTS

- ***Resolve at lowest level within the chain of command.***
- ***Persons involved should be:***
  - ***Complainant***
  - ***Commander***
  - ***Chaplain***
  - ***EOA/EOR***

WHEN REQUESTING RELIGIOUS ACCOMMODATION

- *Religious group affiliation.*
- *Leader or members of the group.*
- *Persons with knowledge of religious practices.*
- *Type of accommodation requested.*
- *Acknowledgment that accommodation is only for current unit and commander.*
- *Statement by chaplain.*

SUMMARY

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